

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TRUSTEES of the IRON WORKERS	)	
TRI-STATE WELFARE FUND,	)	
MID-AMERICA PENSION FUND,	)	
and MID-AMERICA SUPPLEMENTAL	)	
MONTHLY ANNUITY FUND	)	
	)	
Plaintiffs,	)	Case No. 09 cv 6061
	)	
v.	)	Judge Der-Yeghiayan
	)	
	)	
RIGGING SERVICES, INC. and	)	
EVERETT BROSS, individually	)	
	)	
Defendants.	)	

**INITIAL STATUS REPORT**

1) Nature of Claims and Counterclaims

This is an ERISA trust fund case seeking delinquent contributions. Rigging Services, Inc. submitted monthly contribution reports to the Plaintiff Trust Funds acknowledging that the Employer owes approximately \$44,999.72 in delinquent contributions. However, the Defendant did not pay this amount. The owner of Rigging Services, Inc., Everett Bross executed a promissory note and breached the note by failing to pay the balance of \$41,367.79. There are no counterclaims or third party complaints.

2) Relief Sought by the Plaintiff

The Plaintiffs are pursuing \$44,999.72 in contributions in addition to interest, liquidated damages, attorney fees and costs from Rigging Services, Inc. and \$41,367.79 in contributions from Everett Bross personally, due to breach of a promissory

3) Names of Parties not Served

Rigging Services, Inc. is in default and has filed no answer or appearance. Everett Bross has not been served with the amended complaint that was filed on October 30, 2009.

4) Principal Legal Issues

Whether Rigging Services, Inc. is bound to a collective bargaining agreement that requires it to submit ERISA contributions on behalf of its bargaining unit employees. Whether Everett Bross is liable for breach of a promissory note.

5) Principal Factual Issues

The factual issues involve determining the amount of ERISA contributions owed and whether Everett Bross executed a promissory note and subsequently breached it.

6) Status of Pending Motions

There are no pending motions. A motion for default judgment will be filed.

7), 8) Description of Discovery Requested / Needed and Exchanged

Interrogatories, Request to Admit Facts, and the Rule 30(b)(6) deposition as to the allegations contained in the Complaint will need to if the Defendant cures the default.

9) Proposed Dates

Because the Defendant is in technical default, the Plaintiffs intend on filing a motion for default judgment within the next 14 days.

10) Case Ready for Trial

The case will be ready for trial after the close of discovery.

11) Length of Trial

One and one-half days.

12) Jury Status

There is no jury demand.

13) Settlement Discussions

The plaintiffs have reached out to the defendants to discuss settlement and the defendants claim that they have no money to pay the claim.

14) Consent to the Magistrate Judge

The Plaintiffs would consent to the magistrate.

Respectfully submitted,

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